

SN. 10/622,069

ATTORNEY DOCKET NO. FUJI:263

REMARKS

Claims 1-12 remain pending in this application for which applicants seek reconsideration.

Amendment

Independent claims 1 and 10 have been amended to clarify that the embedded data patterns refer to permanent data patterns. No new matter has been introduced.

Art Rejection

Claims 1-4 and 6 were rejected under 35 U.S.C. § 103(a) as unpatentable over Xuan (USP 6,549,360) in view of Mikawa (USPA 2002/0097645). Claims 5 and 8 were rejected under § 103(a) as unpatentable over Xuan in view of Mikawa and Yamauchi (USPA 2002/0083046). Claim 7 was rejected under § 103(a) as unpatentable over Xuan in view of Mikawa and Ueda (USPA 2002/0131595). Finally, claims 9-12 were rejected under § 103(a) as unpatentable over Xuan in view of Mikawa, Yamauchi, and Ueda. Applicants traverse these rejections because none of the applied references would have taught a magnetic recording medium having permanent embedded data patterns that include a permanent pattern corresponding to contents management information.

Xuan discloses a magnetic recording medium formed with laser machined servo-marks in the form of pits or indentations. As correctly assessed by the examiner, Xuan does not disclose or teach forming contents management information using permanent marks. In this respect, the examiner relied upon Mikawa for the proposition that providing contents management information in Xuan's magnetic recording medium would have been obvious. Applicants submit that the issue germane to patentability is not whether it would have been obvious for Xuan to provide contents management information, but rather it would have been obvious for Xuan to form contents management information using permanent marks.

Applicants submit that it would not have been obvious for Xuan to use permanent marks to store contents management information because 1) Mikawa discloses writing management information on a recording medium rather than permanently embedding data patterns, and 2) using permanent contents management information would render the recording medium unusable as a rewritable medium since the contents management information cannot be updated as data are written to the medium. Note that servo-marks can be permanently embedded since it is used as beginning and end demarcation of magnetically recorded servo-information of each data track. Since the data track is preset in a recording medium, permanent

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servo-marks can be used. In contrast, the contents data management information can change as data is written on the medium. Accordingly, there would not have been any motivation for one of ordinary skill in the art to make the contents data management information permanent in Xuan's magnetic recording medium. Indeed, that is why Mikawa calls for magnetically writing such information rather than permanently forming it.

The other applied references, namely Yamaguchi and Ueda, also fail to disclose or teach permanently embedding contents data management information onto a magnetic recording medium.

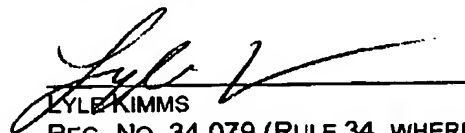
#### Conclusion

Applicants submit that claims 1-12 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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20 JUNE 2005  
DATE



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REG. NO. 34,079 (RULE 34, WHERE APPLICABLE)

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